



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, July 28, 2005, 7:30 p.m.
777 B Street, Hayward, CA 94541**

MEETING

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m., by Chair Thnay followed by the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS: Lavelle, Sacks, McKillop, Bogue, Peixoto, Zermeño
CHAIRPERSON: Thnay
Absent: COMMISSIONER: None

Staff Members Present: Conneely, Emura, Gaber, Koonze, Patenaude, Pearson, Lens

General Public Present: Approximately 18

PUBLIC COMMENTS

There were no public comments.

PUBLIC HEARINGS

1. Use Permit No. PL-2004-0312 – Kim Simmons (Applicant) / Robert J. Simmons (Owner) – Request for Allowing Outdoor Storage of Construction Materials – The Property is Located at 24493 Clawiter Road in the Industrial Zoning District

Staff report submitted by Associate Planner Emura, dated July 28, 2005, was filed.

Associate Planner Emura presented the staff report and answered questions from the Commissioners.

In response to Commissioner Lavelle, Associate Planner Emura stated that Condition No. 14, regarding landscaping, was changed from "homeowner's association representative" to "owner's representative."

Chair Thnay opened the public hearing at 7:41 p.m.

Mr. Jeff Moore, with Greenwood Moore Engineers and representing the owner, commended staff for the report and indicated his concurrence with the conditions of approval.

Chair Thnay closed the public hearing at 7:42 p.m.

Commissioner Peixoto moved the staff recommendation and was seconded by Commissioner Sacks.

Commissioner Sacks mentioned her appreciation for the landscaping in front of the property.

Commissioner Peixoto moved, seconded by Commissioner Sacks, and unanimously approved to accept that the project is categorically exempt from environmental review and approve the Condition Use Permit subject to the findings for approval and conditions of approval.

2. Site Plan Review No. PL- 2005-0232 / Tentative Map Tract 7619 PL-2005-0231 – John Xu (Applicant/Owner) – Request to Subdivide One Parcel into Nine Parcels and Construct Eight Detached Single-Family Residences with a Private Driveway – The Property is Located at 27222 Dobbel Avenue opposite Cotati Street in the Single-Family Residential Zoning District

Staff report submitted by Associate Planner Emura, dated July 28, 2005, was filed.

Associate Planner Emura presented the staff report and answered questions from the Commissioners.

Commissioner Zermeño spoke favorably about Condition No. 10, regarding the removal of graffiti within 48 hours, and asked for clarification on Condition No. 51. Associate Planner Emura clarified that Condition No. 51, regarding the proposed fire truck turn-around, has approval from the Fire Department, and that there is room for modifications.

Commissioner McKillop expressed concern for the design guidelines presented and mentioned the lack of distinction between garage doors and façades of the homes. In response to Commissioner McKillop, Principal Planner Patenaude indicated that it would be appropriate to add a condition that the styles do not repeat themselves on adjacent lots.

Chair Thnay opened the public hearing at 7:51 p.m.

Mr. Mitchell Burks, resident adjacent to the proposed project, enquired about the fencing between the proposed project and his residence and potential drainage problems to his property. He also asked for reassurance that his driveway will remain accessible at all times during construction of the project.

Ms. Sheila Burks, resident adjacent to the proposed project, expressed concern for removal of the Redwood tree on the adjacent property once expansion of the road begins. She also enquired how the cost is going to be allocated. Principal Planner Patenaude indicated that the applicant will be responsible for the costs of improvements in front of his property.

Ralph Masloff, project designer, responded to Ms. Burks' concern by indicating that the tree mentioned is outside the property and added that all the trees have been assessed and accounted for by the City. He also indicated that the expense incurred by the trees will be assessed by the applicant when the section of the road is widened. Principal Planner Patenaude stated that the tree is not directly affected by this project but might be affected by the street improvements.



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, July 28, 2005, 7:30 p.m.
777 B Street, Hayward, CA 94541**

Commissioner McKillop expressed concern for the lack of uniqueness in the design of the project.

Mr. John Xu, applicant, mentioned that the project presents two models with each one having three elevations, which look different.

Commissioner Lavelle enquired about the current residents of the homes and about any information that can ease them in the relocation process. Mr. John Xu mentioned that the tenants were notified of the proposed project.

Chair Thnay closed the public hearing at 8:12 p.m.

In response to Commissioner Bogue, Assistant City Attorney Conneely stated that City's Rent Control Ordinance does not prohibit removal of rental units.

Commissioner Sacks moved the staff recommendation and was seconded by Commissioner Zermeño.

Commissioner Sacks mentioned that the current property has potential for improvement. She stated that the General Plan is set to encourage home ownership, but it is unfortunate that it also removes rental housing.

Commissioner Bogue asked for a friendly amendment that during construction, all the adjacent driveways remain accessible.

Commissioner Lavelle supported the motion and kindly asked the applicant and owner to assist the current residents of the rental properties with relocation resources available in Hayward.

Commissioner Bogue stated support for the project and also asked the property owner to assist the residents by providing them with a letter of recommendation or by assisting them with relocation assistance.

Chair Thnay expressed support for the project and thanked the speakers for voicing their concerns.

Commissioner Sacks moved, seconded by Commissioner Zermeño, and unanimously approved to accept that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, Section 15332, Class 32 In-Fill Development; and approve the Site Plan Review and Tentative Tract Map applications, subject to the findings and conditions of approval.

3. Zone Change No. PL-2005-0244 & Vesting Tentative Tract Map 7636 / PL-2005-0245 – William Riddle (Applicant) / Frank Chiu (Owner) – Request to Change the Zoning from Single-Family Residential District to Planned Development District and Subdivide Land to Accommodate 7 Detached Homes – The Project is Located at 26746 through 26762 Gading Road

Staff report submitted by Associate Planner Pearson, dated July 28, 2005, was filed.

Associate Planner Pearson presented the staff report and answered questions from the Commissioners.

In response to Commissioner Zermeño, Associate Planner Pearson indicated that the proposed project does not have direct pedestrian access to Patrick Avenue.

Chair Thnay opened the public hearing at 8:26 p.m.

Mr. William Riddle, applicant and chief architect with Best Design and Construction, concurred with the presentation made by Associate Planner Pearson. Mr. Riddle answered questions from the Commissioners.

Chair Thnay suggested the applicant consider other shapes for the windows to make them more appealing.

Chair Thnay closed the public hearing at 8:34 p.m.

Commissioner Lavelle moved the staff recommendation and was seconded by Commissioner Sacks.

Commissioner Peixoto supported the project and mentioned that this is not only a good project for first time homebuyers, but it also provides an option for the retirees and the elderly population. He also mentioned that the two demographics can benefit from each other's interaction. He commended the applicant on his efforts.

Commissioner McKillop supported the project and expressed that the project will beautify the area.

Commissioner Sacks complimented Mr. Riddle and Mr. Xu for the project and for making arrangements to offer to current tenants with assistance.

Chair Thnay supported the motion as recommended by staff.

Commissioner Lavelle moved, seconded by Commissioner Sacks, and unanimously approved, to recommend that the City Council adopt the Initial Study and Negative Declaration prepared pursuant to the California Environmental Quality Act (CEQA) guidelines; approve the Zone Change and the Precise Development Plan subject to the findings and conditions; and approve the Vesting Tentative Tract Map application, subject to the findings and conditions.



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, July 28, 2005, 7:30 p.m.
777 B Street, Hayward, CA 94541**

4. Zone Change No. PL-2004-0062 / Tentative Tract Map 7608 – Jamal Rabbani (Applicant/Owner) – Request to Change the Zoning from a Single-Family Residential District to Planned Development District and Subdivide a 0.7 Acre parcel Into 7 Parcels and Construct 6 Homes – The Project is Located at 2448 Kelly Street in a Single-Family Residential Zoning District (Continued from July 14, 2005)

Staff report submitted by Assistant Planner Koonze, dated July 28, 2005, was filed.

Assistant Planner Koonze indicated a correction to page one of the report, that the property size is a 43000 square-foot parcel and not 38000 as presented in the report.

Assistant Planner Koonze presented the staff report and responded to questions from Commissioners.

In response to Commissioner Peixoto, regarding a comprehensive traffic study on the Kelly area, Assistant Planner Koonze indicated that the City's Transportation Planner reviewed the application and determined a traffic study was not warranted. In regards to concerns regarding an underground stream, Assistant Planner Koonze indicated that staff gathered the information from past and present aerial photos and from the Geotechnical report and there was no indication that an underground stream exists on the property.

In response to Commissioner Zermeno's concern regarding traffic, Assistant Planner Koonze responded that from the eight accidents that were reported in the past five years, only four were correctable and that Caltrans' guidelines requires five correctable accidents per year in order to warrant intersection modifications. In regards to the Oliver resident's letter, included in the report, referring to an existing PG&E easement, Assistant Planner Koonze responded that the property title report did not find any easement other than an easement for Oro Loma.

Chair Thnay opened the public hearing at 8:59 p.m.

Mr. Jitender Makkar, project designer, commended staff for the assistance in helping him improve the project. He added that they have re-designed the project taking into consideration the concerns voiced by the neighbors and the recommendations by the Fairview Community Club.

In response to Commissioner Lavelle's enquiry regarding a response to the drainage problem mentioned in the Fairview Community Club letter, Project Engineer Mohamed Genidy responded that the drainage system will be improved.

Commissioner McKillop complimented the designer on the creativity of the project.

Mr. Sam Ali, Kelly Ave resident, spoke against the project because of lack of privacy for the houses surrounding the proposed project.

Ms. Helen Perrizo, Bayview Avenue resident and representing her husband Mr. James Perrizo, mentioned the letter submitted by her husband addressing concerns about the proposed project. Even though she is supportive of the project, she strongly emphasized concern for the traffic problem. She added that in the four years that she has lived in the area she has records of at least ten accidents that occurred in the area. She spoke strongly about the dangerous existing traffic conditions.

Mr. Etton Broude, Olive Place resident, expressed that staff has not been cooperative with his request to view procedural documents for this project. He spoke strongly about the traffic on Kelly Street and the impact on the quality of life the traffic places upon them.

Ms. Kathy O'Loughlin, Kelly Street resident and owner adjacent to the proposed project, referred to a letter that was submitted prior to the meeting regarding water issues affecting them and her neighbors. She also spoke negatively about the accuracy of the traffic information presented in the report. She asked for good judgment in considering this project and kindly asked for an intense traffic study on this area.

Mr. Philip O'loughlin, Kelly Street resident, spoke about issues concerning the underground water, lack of privacy, weed problem on the property, and accidents due to the traffic condition. He asked for the City to further study the underground water problem and asked for reassurance that the proposed project is not going to make the current conditions worse.

Mr. John Franklin, Kelly Street resident, spoke strongly about the traffic on Kelly Street. He mentioned that the proposed houses look nice but he believes that it is going to create more traffic problems. He also expressed concern for the underground water problem and asked for a feasible study.

Ms. Sharon Brook, Bayview Avenue resident, expressed the lack of parking on Kelly Street and the impact on Bayview with many cars parked there. She mentioned several accidents in the ten years that she has lived in the area. She also expressed concern that the project might block the view from her property.

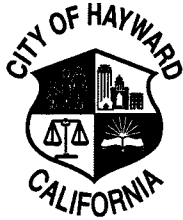
Mr. Jamal Rabbani, project property and owner, expressed his willingness to address the different concerns presented.

In reference to Commissioner Sacks' concern for the impact that the proposed project is going to have on the current drainage problem, Mr. Rabbani responded that drainage is properly treated in the property and expressed that overall the drainage system is going to improve.

Mr. Rabbani responded to the concerns voiced regarding the weeds by stating that they are already being considered by the arborist. In regards to the view, he mentioned that the project is not going to create a problem.

Chair Thnay closed the public hearing at 9:42 p.m.

Principal Planner Patenaude stated that the project would provide additional street improvements and side walk enhancement. Regarding the drainage issue, he mentioned that it is common for



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, July 28, 2005, 7:30 p.m.
777 B Street, Hayward, CA 94541**

houses in the hill area to have regularly occurring subterranean drain and emphasized that the project has been designed to not add additional burden to surrounding properties. As far as the privacy issue, the new homes meet or exceed the proper set-back requirements and that the project is not going to obstruct the view from the homes on Bayview. He added that the traffic is a big concern, but he also mentioned that traffic is analyzed in the General Plan and is more of a regional issue rather than one that should be addressed by this proposal.

Chair Thnay, in regards to the traffic, mentioned that the concern is not about the quantity of cars that the project is going to add but how the impact on quality of life. He mentioned that if speed is the issue for the poor quality of life, then that problem needs to be mitigated. He added that he would support the motion if a condition is added to conduct a traffic study.

In response to Commissioner Bogue's inquiry if construction of the proposed project is going to affect the current groundwater conditions on the ground level, Development Review Gaber indicated that according to the Geotechnical Report, which performed multiple 20- foot borings, no groundwater was found on this site. He added that the developer is required to do a more comprehensive study before obtaining permits and if the developer encounters water, he will need to address the issue before proceeding with the project.

Commissioner Sacks mentioned that the traffic concern at Kelly Street is accurate, but emphasized that the problem is not caused by the one access point proposed by the project. She encouraged the residents of the neighborhood to get together with traffic enforcement representatives and address the current problem.

Commissioner Zermefio mentioned that one possible solution to the problem would be to place a stop sign at Bayview and Kelly. Commissioner Zermefio moved the staff recommendation per the staff report. He added that this will add value to the surrounding properties.

Commissioner Peixoto seconded the motion. In regards to the traffic issue, he concurred with Commissioner Sacks' assessment that the project is not going to affect the traffic. With respect to the water issue, he expressed that part of living in the hills is dealing with the fact of natural movement of subterranean water and that there are mitigation measures that can be considered. He supported the motion because it is a good project

Commissioner McKillop supported the motion because it is a beautiful design and thanked the speaker for voicing their concerns.

Commissioner Lavelle spoke favorably of the project and reminded everyone that the action taken is to recommend this matter to City Council. She urged residents to remain active and informed through the resources available through the City. She also mentioned the issue with many cars parked on Olive Street. She commended the developer and staff for the project.

Chair Thnay thanked the developer and staff for a comprehensive report. He was agreeable with the project but since the motion did not include considering a traffic study to mitigate the existing condition, he would not support the motion.

Commissioner Zermeño moved, seconded by Commissioner Peixoto, and approved, to recommend that the City Council approve the Negative Declaration; approve the Zone Change and the Preliminary Development Plan subject to the findings and conditions of approval; and approve Tentative Map 7608 subject to the findings and conditions of approval.

AYES:	COMMISSIONERS Lavelle, Sacks, McKillop, Bogue, Peixoto, Zermeño
NOES:	CHAIR Thnay
ABSENT:	COMMISSIONER None
ABSTAIN:	COMMISSIONER None

ADDITIONAL MATTERS

5. Oral Reports on Planning and Zoning Matters

Principal Planner Patenaude mentioned that the action at Tuesday's Council meeting involved approval of the Target project. He added that there was a statement made by the Director of HARD, who indicated commitment to work together with the City. He added that Council reviewed the variance for the parking at Highland and the item was approved allowing the applicant to use the right-of-way to minimize the location of retaining walls.

6. Commissioners' Announcements, Referrals

Commissioner Zermeño commended the nice project on Alice Street.

Commissioner Sacks commended the projects on Hayward Boulevard, Winton Avenue, and on Alice Street. As an observation, she mentioned that there is need to set a limit on the number of cars and the usage of public parking. Another issue expressed was speeding.

Commissioner McKillop mentioned that there are littering problems at the sidewalks of the Albertson development. She asked for staff's consideration on enforcing cleanliness in that area. Principal Planner Patenaude mentioned that he will address the issue at a meeting with the owner.

Commissioner Bogue reiterated comments made by Commissioner McKillop and expressed disappointment for the cleanliness at the Albertsons development and the lack of responsibility.

Chair Thnay reported that in one of his BART trips, he noticed that along Hayward towards the South Hayward Station there is plenty of graffiti.

APPROVAL OF MINUTES

Minutes of July 7, 2005 and July 14, 2005 were approved.



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, July 28, 2005, 7:30 p.m.
777 B Street, Hayward, CA 94541**

ADJOURNMENT

Chair Thnay adjourned the meeting at 10:15 p.m., with a quote by Abe Lincoln.

APPROVED:

Marvin Peixoto, Secretary
Planning Commission

ATTEST:

Miriam Lens
Commission Secretary